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January 19, 2007

Via Email and First Class Mail

John A. Carrigan, Section Chief
Solid Waste Management
DEP-Northeast Regional Office
205B Lowell Street
Wilmington, MA 01887

Matthew C. Ireland, Esq.
Assistant Attorney General
Environmental Protection Division
Attorney General's Office
100 Cambridge Street, 10th Floor
Boston, MA 02114

Re: New Ventures Associates, LLC; Force Majeure re: Enclosed Flare

Dear Mr. Carrigan and Attorney Ireland:

This office represents New Ventures Associates, LLC ("New Ventures") and we are writing this letter in compliance with the Force Majeure provisions of Paragraph 16 of the Preliminary Injunction (the "Order"). While New Ventures attempted to complete the installation of the enclosed flare on or before January 18, 2007, events beyond New Venture's control, did not allow us to comply with the schedule. This letter is a follow up to discussions on January 16 and January 17, 2007 providing notice regarding the status of the enclosed flare.

With respect to the installation of the enclosed flare, pursuant to Paragraph 1(b) of the Order, New Ventures states:

1. The work requires the preparation of the area, construction of a base for the flare delivery and the installation of the enclosed flare.
2. New Ventures was unable to prepare the area and construct the base due to the following conditions:
 - a. The weather on Saturday, January 13, 2007 consisted of rain and wind and limited site work went forward to prepare the area.

- b. On Monday, January 15, 2007 New Ventures arranged to bring crane pads to the site to serve as a base for the enclosed flare. However, the crane pads were defective.
- c. On Tuesday, January 16, 2007, the Landfill was described by employees as a "sheet of ice" after the area froze due to the drop in temperature; New Ventures arranged to have steel shipped to the Landfill immediately as an alternative base of the flare.
- d. On Wednesday, January 17, 2007, the temperature dropped below zero (0°F) degrees Fahrenheit with the wind chill factor, and limited work associated with the delivery of the steel base took place.
- e. On Thursday, January 18, 2007 and today (Friday), New Ventures worked to assemble and complete the base. Work will be completed by the close of business today.
- f. The enclosed flare will be shipped on Monday, January 22, 2007 for installation.
- g. We anticipate at least two (2) days for installation and operation.

As a result of these events, New Ventures seeks an additional four and one-half (4½) business days be added to the date for completion to be extended to Wednesday, January 24, 2007 .

New Ventures remains available to answer any questions.

Thank you.

Sincerely,

**This final document copy is being provided to you electronically by the
Department of Environmental Protection. A signed copy of this document
is on file at the DEP office listed on the letterhead.**

Richard A. Nylen, Jr.

RAN/kad

cc: Michael W. Dingle, Esq.
Mr. William Thibeault
Mr. Steven J. Trettel